

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

No. CIV S-04-2732 GEB CMK P

vs.

DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 9, 2005, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. The findings and recommendations served on plaintiff were

1 returned by the U.S. Postal Service as undeliverable on March 17,  
2 2005. On March 30, 2005, plaintiff filed a change of address,  
3 and on April 5, 2005, the court ordered the March 9, 2005  
4 findings and recommendations to be reserved on plaintiff at his  
5 new address. Plaintiff has not filed objections to the findings  
6 and recommendations.

7 The court has reviewed the file and finds the findings  
8 and recommendations to be supported by the record and by the  
9 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED  
10 that:

11 1. The findings and recommendations filed March 9,  
12 2005, are adopted in full; and

13 2. This action is dismissed, without prejudice, for  
14 failure to exhaust administrative remedies.

15 Dated: May 19, 2005

16  
17 /s/ Garland E. Burrell, Jr.  
18 GARLAND E. BURRELL, JR.  
19 United States District Judge  
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